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CONSENT AGREEMENT AND FINAL ORDER

USEPA DOCKET NO. RCRA-06-2018-0958

Proceeding under Section
3008(a) of the Resource Conservation
And Recovery Act (“RCRA”)

I. PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order ("CAFO") is entered into by the United States Environmental Protection Agency, Region 6 ("EPA" or "Complainant") and Respondent, Interline Brands, Inc. ("Respondent" or "Interline") and concerns the facility located at 601 Edwards Avenue Harahan, Louisiana ("Facility").
2. Notice of this action has been given to the State of Louisiana, under Section 3008(a)(2) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(a)(2).
3. For the purpose of this CAFO, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in this CAFO. This CAFO states a claim upon which relief may be granted.

4. Respondent waives any right to contest the allegations and its right to appeal the proposed final order contained in this CAFO, and waives all defenses which have been raised or could have been raised to the claims in the CAFO.
5. The Parties agree that compliance with the terms and conditions of this CAFO shall resolve only the Respondent's liability for federal civil penalties for those violations and facts which are set forth herein.
6. Respondent consents to the issuance of this CAFO as the most appropriate means of settling EPA's allegations without any adjudication of issues of law or fact, consents to the assessment and payment of the civil penalty in the amount and by the method set out in this CAFO, and consents to the compliance order in this CAFO.

II. JURISDICTION

7. This CAFO is issued by EPA pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), as amended by the Hazardous and Solid Waste Amendments of 1984 and is simultaneously commenced and concluded through the issuance of this CAFO under 40 Code of Federal Regulations ("C.F.R.") §§ 22.13(b) and 22.18(b)(2) and (3).
8. Respondent agrees to undertake and complete all actions required by the terms and conditions of this CAFO. In any action by EPA or the United States to enforce the terms of this CAFO, Respondent agrees not to contest the authority or jurisdiction of EPA to issue or enforce this CAFO, and agrees not to contest the validity of this CAFO or its terms or conditions.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

9. Respondent is registered to transact business in the State of Louisiana.

10. Respondent is a "person" within the meaning of Section 1004(15) of RCRA,
42 U.S.C. § 6903(15), and Title 33 of the Louisiana Administrative Code("LAC") LAC 33:
V.109¹, [40 C.F.R. § 260.10].
11. Respondent owns or operates the Facility.
12. Respondent is a wholesale distributor of maintenance, repair, and operations products.
13. During the period from April to July 2018, EPA conducted a RCRA record review of
Respondent's activities as a generator of hazardous waste including a review of the
information voluntarily provided to EPA by Respondent (the "Investigation").
14. During the Investigation, EPA discovered that Respondent, at a minimum, generated and
offered for transport and treatment, the following waste materials at the facility:
 - A. D (characteristic waste);
 - B. U (Listed, Unused discarded commercial chemical product); and
 - C. F (Listed- Solvents)
15. The Facility meets the definition of "facility" as defined in LAC 33: V.109,
[40 C.F.R. § 260.10].
16. The waste streams identified in Paragraph 14 are "hazardous waste" as defined in
LAC 33: V.4901.B &F, and 4903.E, [40 C.F.R. §§ 261.21, 261.22, 261.24, and 261.33].

¹ On January 24, 1985, the State of Louisiana received final authorization for its base Hazardous Waste Management Program (50 FR 3348). Subsequent revisions have been made to the Louisiana Hazardous Waste Program and authorized by the EPA. Except as otherwise provided, all citations found within this CAFO are to the "EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated November 2015, incorporated by reference under 40 C.F.R. § 272. 951(c)(1)(i) effective on December 20, 2016. 81 Fed. Reg. 72730 (October 21, 2016); 40 C.F.R. 272. 951: Louisiana State-Administered Program: Final Authorization. References and citations to the "EPA-Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" may vary slightly from the State of Louisiana's published version.

17. From the Investigation, EPA determined that Respondent generated the hazardous waste streams identified in Paragraph 14 in quantities that exceeded the threshold amount of 100 kilograms per month under LAC 33: V.108, [40 C.F.R. Part 262], for the periods that such wastes remained onsite.
18. Respondent is a "generator" of "hazardous waste" as those terms are defined in LAC 33: V.109, [40 C.F.R. § 260.10].
19. As a generator of hazardous waste, Respondent is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth at Title 33 of LAC Part V, Chapters 1 through 51, [40 C.F.R Part 262 and/or 270].
20. Pursuant to LAC 33: V.108 [40 C.F.R. § 261.5] a generator is a conditionally exempt Small quantity (CESQG) if it meets the standard set forth at LAC 33: V.108, [40 C.F.R. § 261.5]. A CESQG's hazardous waste is not subject to regulation under LAC 33: V. chapter 3-37, 41, 43, and 53, except for LAC 33: V.3105, Table 1; 40 C.F.R Parts 262 through 286; 40 C.F.R. Parts 270 and 124; and the requirements of Section 3010 of RCRA, 42 U.S.C § 6930.
21. During the Investigation, EPA determined Respondent, in 2017, and through the effective date of this settlement exceeded its declared CESQG status and operated as a small quantity generator and/or large quantity generator.

Claim 1: Failure to File Initial or Subsequent 3010 Notification

22. The allegations in Paragraphs 1-21 are re-alleged and incorporated herein by reference.
23. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), any person generating a characteristic or listed hazardous waste shall file with EPA or the authorized state a notification stating the location and general description of such activity and the identified characteristic or listed hazardous waste handled by such person. No identified characteristic

or listed hazardous waste subject to this subchapter may be transported, treated, stored, or disposed of unless notification has been given as required by Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

24. On August 4, 1980, respondent obtained an EPA ID number LAD083550707.
25. Although Respondent did obtain EPA ID numbers for the Facility, Respondent did not file with EPA or the authorized state, Louisiana, an adequate and timely notification of its hazardous waste activities at the Facility in 2017, through the effective date of this settlement in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a).

Claim 2: Failure to Operate Within Declared Generator Status

26. The allegations in Paragraphs 1-21 are realleged and incorporated herein by reference.
27. During the Investigation, EPA determined that Respondent declared its generator status for the facility as conditionally exempt small quantity generators ("CESQG").
28. Pursuant to LAC 33:V.108 and 40 C.F.R. § 261.5(b), as long as a CESQG complies with the applicable requirement under LAC 33:V.108.E, F, G, and J and 40 C.F.R. §§ 261.5(e), (f), (g) and (j), the generator's hazardous waste is not subject to regulation under LAC 33:V. Chapter 3-37, 41, 43 and 53, except for LAC 33:V.3105, Table 1; 40 C.F.R. Parts 262 through 268; 40 C.F.R. Parts 270 and 124; and the requirements of Section 3010 of RCRA, 42 U.S.C. § 6930.
29. During portions of 2017 and through the effective date of this settlement, the Facility exceeded its declared CESQG status and operated in some instances as a large quantity generator in violation of one or more of the requirements for large quantity generators under LAC 33: V.1109. E [40 C.F.R. § 262.34].

Claim 3: Failure to Comply with Manifest Requirements

30. The allegations in Paragraphs 1-21 are realleged and incorporated herein by reference.
31. Pursuant to LAC 33: V.1107 [40 C.F.R. § 262.20(a)(1)], a generator who offers hazardous waste for transport for offsite treatment, storage, or disposal, must prepare a manifest on EPA Form 8700-22 according to the instructions.
32. From the Investigation, EPA determined that, in 2017 and through the effective date of this settlement, Respondent sent multiple loads of hazardous waste without including an EPA ID number on its manifests.
33. Respondent's failure to adequately complete manifests is a violation of LAC 33: V.1107.B(1)(d) [40 C.F.R § 262.20(a)(1)].

IV. COMPLIANCE ORDER

34. Pursuant to RCRA § 3008(a), 42 U.S.C. § 6928(a), Respondent is hereby ordered to take the following actions, and within 120 calendar days of the effective date of this CAFO, Respondent shall provide in writing the following:
- a. Respondent shall certify that it has assessed all of its solid waste streams at the Facility to determine the accurate waste codes and has developed and implemented standard operating procedures ("SOPs") to ensure that Respondent is operating the Facility in compliance with RCRA and the regulations promulgated thereunder, including, but not limited to, procedures for: (a) making hazardous waste determinations; (b) managing hazardous wastes; (c) reporting, transporting, and disposing of hazardous waste; (d) preparing its manifests; and (e) meeting the requirements of the land disposal restrictions.

- b. Respondent shall certify that it has accurately and adequately complied with the RCRA Section 3010 notification requirements for the Facility.
 - c. Respondent shall provide, with its certification, a copy of Respondent's SOPs as described in paragraph 34.a above.
 - d. Respondent shall provide the average amount (pounds) of hazardous waste that is properly managed per year at the Facility.
35. In all instances in which this CAFO requires written submission to EPA, the submittal made by Respondent shall be signed by an owner or officer of Respondent and shall include the following certification:

"I certify under the penalty of law that this document and all its attachments were prepared by me or under my direct supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Copies of all documents required by this CAFO shall be sent to the following:

U.S. Environmental Protection Agency
Compliance Assurance and Enforcement Division
Waste Enforcement Branch
Compliance Enforcement Section (6EN-H3)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
Attn: Tripti Thapa

V. TERMS OF SETTLEMENT

A. Penalty Provisions

36. Pursuant to the authority granted in Section 3008 of RCRA, 42 U.S.C. § 6928, and upon consideration of the entire record herein, including the above referenced Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, upon the seriousness

of the alleged violations, and Respondent's good faith efforts to comply with the applicable regulations, it is ordered that Respondent be assessed a civil penalty of **five thousand dollars (\$5,000.00)**.

37. The penalty shall be paid within thirty (30) calendar days of the effective date of this CAFO and made payable to Treasurer, United States of America.

38. The following are Respondent's options for transmitting the penalties:

Checks sent via U.S. Postal Mail (including certified mail) or U.S. Postal Service Express Mail should be remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Checks sent via Overnight Mail (non-U.S. Postal Service) should be remitted to:

U.S. Bank
Government Lockbox 979077
US EPA Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
314-418-1028

Wire Transfers should be remitted to:

Federal Reserve Bank of New York
ABA: 021030004
Account No. 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

The case name and docket number (In the Matter of Interline Brands, Inc., Docket No. RCRA-06-2018-0958) shall be clearly documented on or within the chosen method of payment to ensure proper credit.

39. Respondent shall send a simultaneous notice of such payment to the following:

Lorena S. Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Mark Potts, Chief
Waste Enforcement Branch (6EN-H)
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733
Attention: Tripti Thapa

Respondent's adherence to this request will ensure proper credit is given when penalties are received by EPA.

40. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law,

EPA will assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue on the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid within thirty (30) calendar days of the civil penalty's due date and will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

Moreover, the costs of the Agency's administrative handling overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). EPA will also assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid. In addition, a penalty charge of up to six percent (6%) per year will be assessed monthly on any portion of the debt

which remains delinquent more than ninety (90) days. 40 C.F.R. § 13.11(b). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

B. Costs

41. Each party shall bear its own costs and attorney's fees. Furthermore, Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under the Equal Access to Justice Act (5 U.S.C. § 504), as amended by the Small Business Regulatory Enforcement Fairness Act (P.L. 04-121), and any regulations promulgated pursuant to those Acts.

C. Termination and Satisfaction

42. When Respondent believes that it has complied with all the requirements of this CAFO, including compliance with the Compliance Order and payment of the civil penalty, Respondent shall also certify this in writing and in accordance with the certification language set forth in Section IV (Compliance Order), Paragraph 35. Unless the EPA, Region 6 objects in writing within sixty (60) days of EPA's receipt of Respondent's certification, then this CAFO is terminated on the basis of Respondent's certification.

D. Effective Date of Settlement

43. This CAFO shall become effective upon filing with the Regional Hearing Clerk.

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS CONSENT
AGREEMENT AND FINAL ORDER:**

FOR THE RESPONDENT:

Date: 12/12/18



Interline Brands, Inc.

FOR THE COMPLAINANT:

Date: 1-31-19



Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing CAFO is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect Respondent's (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b) this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: _____

2/5/19



Regional Judicial Officer

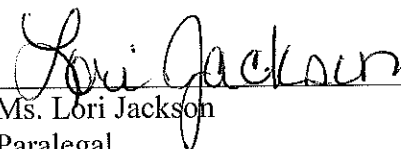
Thomas Rucki

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of February, 2018, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that a true and correct copy of the CAFO was sent to the following by the method below:

CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7015 15200003 39912682

Tiffany Woodie
Senior Corporate Counsel
701 San Marco Blvd.
Jacksonville, Florida 32207



Ms. Lori Jackson
Paralegal